

Chapter 1 – The American Legal System

MULTIPLE CHOICE QUESTIONS:

1. The United States legal system
 - a. follows the traditions inherited from England by the thirteen colonies
 - b. follows the inquisitorial system used in much of Europe.
 - c. follows the traditions of ancient Jewish law.
 - d. none of the above
2. In the American legal system
 - a. government is organized as a contract between the people and the government.
 - b. some individuals are above the law.
 - c. individual interests are not restrained although the interests of corporations and other entities are restrained.
 - d. unlimited powers are granted to the Federal Government
3. The Constitution of the United States
 - a. increases the power of the federal government.
 - b. limits the power of federal government to insure that individual rights will be preserved.
 - c. only affects the power of state governments, not federal
 - d. does not affect the power of any government
4. Supreme authority is given to the federal government
 - a. in all cases
 - b. in cases that pertain to governing family and contractual relationships
 - c. only in specified cases
 - d. No government ever has supreme authority
5. All of these are broad classes of government power in the United States except
 - a. sovereign powers
 - b. police powers
 - c. *parens patriae* (parent of the nation)
 - d.

6. Government powers are separated into three branches. This is done in order to
 - a. give balance of power among the branches
 - b. allow each branch to check the actions of the other branches
 - c. model the branches after the system of government that existed in France at the time of the framing of the U.S. Constitution
 - d. Both a and b

7. Administrative appeals
 - a. allow a person to go to court and ask a judge to review an agency's decision before exhausting the administrative appeals procedure
 - b. enable the court to sometimes refine the meaning of administrative laws by deciding whether the administrative issue is consistent with regulations
 - c. Have been deemed unconstitutional by the Supreme Court because they give too much power to the federal courts
 - d. Have been deemed unconstitutional by the Supreme Court because they give too much power to state courts

8. All of these can be considered aspects of due process except
 - a. governments and government officials cannot act arbitrarily
 - b. "fundamental fairness" to justice and value assigned to individual rights and dignity
 - c. each court case deserves an ample or "due" processing period, or amount of time, to review facts and try individuals accused of a crime
 - d. All of these are examples of due process

9. Under some circumstances, even basic rights may be restricted by law. When this is the case, the people whose interests are affected
 - a. are entitled to more procedural protections in a court of law than when a basic right is not at stake
 - b. are entitled to less procedural protection than when a basic right is not at stake
 - c. Procedural protections are not effected by this
 - d. Have the right to waive the accusations against them

10. The Court of Last Resort is usually the last stop in the appeals process, and a court like this, which is comparable to the U.S. Supreme Court
 - a. is only found in some states
 - b. Is found in all states
 - c. Is not found in any states, but is a federal branch of government
 - d. Is a court that specifically focuses on capital punishment cases
 - e.

11. Criminal defendants
- a. are entitled to a higher degree of due process than civil defendants
 - b. can waive the right to a trial by jury and either plea bargain or have a bench trial
 - c. must have a trial by jury
 - d. Both A and B
 - e. Both C and B
12. When comparing criminal and civil trials, it can be noted that
- a. in a criminal trial, the defendant can plead elect not to testify and no inference can be drawn about his or her guilt (responsibility) by this decision, whereas, in a civil trial this is not the case.
 - b. in both criminal and civil cases, the defendant can decide not to testify and the decision will not be used to infer the defendants guilt (responsibility).
 - c. In a civil trial, the defendant can refuse to testify and no inference can be drawn about his or her guilt (responsibility) by this decision, whereas, in a criminal court, this is not the case.
 - d. None of the above
13. When the Supreme court establishes a constitutional interpretation
- a. only congress can undo it.
 - b. only state legislatures can undo it
 - c. neither state legislatures nor the congress can undo it
 - d. A Supreme Court ruling can never be undone by anyone or in any circumstances
14. The ultimate arbiter of the legal relationship between the states and the federal government is
- a. the highest court in the state who is in conflict with the federal government.
 - b. the legislative body of the state in conflict with the federal government
 - c. The Congress
 - d. The Supreme Court
15. Rights guaranteed under the U.S. Constitution and Bill of Rights
- a. are absolute
 - b. can only be infringed when they conflict with another basic right
 - c. can only be infringed when there is compelling reason
 - d. can only be infringed by an act of Congress